

# **Intrastate Compliance Investigation Process**

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## **Introduction**

The South Carolina State Transport Police is a division of the South Carolina Department of Public Safety which also encompasses the Highway Patrol, Bureau of Protective Services, and the Immigration Enforcement Unit. The main goal of the South Carolina Department of Public Safety is “Target Zero” which means we strive to eliminate traffic fatalities and reduce serious injuries on the roadways of South Carolina. While this is a lofty goal, this is the only acceptable objective, because no one would find it tolerable for one of his or her love ones to be lost due to a senseless, preventable collision.

The South Carolina State Transport Police’s mission is to ensure commercial motor vehicles, drivers, and companies operate in compliance with applicable state laws and federal regulations in an effort to prevent serious or fatal collisions involving large trucks and buses. The Transport Police utilize several enforcement tools and outreach programs to positively effect the collision rate of commercial vehicles. Enforcement tools specific to the State Transport Police and commercial vehicles are driver / vehicle roadside inspections, size and weight enforcement, new entrant safety audits, and compliance investigations. Additionally, we recognize the importance of a strong partnership with the commercial transportation industry, which is demonstrated through outreach programs aimed at educating participants about laws and regulations pertinent to the industry. Outreach programs also provide a platform for sharing and obtaining buy in for our overall safety message regarding eliminating fatalities and serious injuries resulting from traffic collisions.

As the population of South Carolina grows the number of commercial vehicles operating within the state delivering essential goods will also increase. The transportation industry is

beginning to implement new technologies such as platooning and autonomous vehicles. Keeping all these variables in mind the State Transport Police has to be vigilant and find innovative enforcement tools to ensure the safety of the commercial transportation industry.

### **Problem Statement**

The State Transport Police's Motor Carrier Compliance Unit conducts investigations predominantly on Interstate Motor Carriers, which have been identified through monitored performance to have unsatisfactory levels of safety compliance. Interstate Companies are required to register with the Federal Motor Carrier Safety Administration (FMCSA) and receive operating authority and a USDOT number. Companies are tracked for safety compliance by their USDOT Number. We have identified that on some occasions Intrastate Companies (companies that only operate in South Carolina) are involved in severe collisions resulting in serious injury or death. It is our goal to effectively identify these companies and conduct compliance investigations to ensure they are obeying applicable regulations and laws. Many intrastate companies are not registered with FMCSA and do not have a USDOT Number which makes their safety performance hard to track. In addition to collisions, these companies can also be identified through enforcement interactions with State Transport Police Officers. Currently South Carolina does not have an effective means of monitoring intrastate motor carriers for compliance with safety standards and need to develop an effective method to do so to protect the motoring public.

During CY 2017 (658) intrastate commercial vehicles were involved in collisions in South Carolina, (43) of these vehicles were involved in major collisions which resulted in serious injuries or fatalities. Additionally, in CY 2017 State Transport Police conducted 2,082 roadside

inspections on intrastate commercial vehicles and cited 9,579 safety violations. These violations ranged from relatively minor violations to severe violations which resulted in the vehicle and/or the driver being placed out of service until the violations were corrected. This data indicates that the activity of intrastate carriers needs to be monitored and proper enforcement measures need to be implemented to ensure the safety of these operations. The goal of this project is to identify intrastate carriers through collision and inspection data that display unsafe behaviors in order to conduct compliance investigations to confirm the company has proper safety measures in place.

A compliance investigation is an in depth examination of a motor carriers operations to verify they have an effective safety management program. There seven behavior analysis categories that are monitored during the investigation process are described below.

1. **Unsafe Driving** – this section includes a review of prior violations of traffic laws such as speeding, improper lane change, reckless driving, etc. of company drivers.
2. **Crash Indicator** – A review of the company’s involvement in collisions.
3. **Hours-of-Service Compliance** – a review of the company’s drivers to determine compliance with the hours of service regulations.
4. **Vehicle Maintenance** – this section covers vehicle equipment to include maintenance records and required inspections.
5. **Controlled Substance / Alcohol** – this section includes driver violations regarding the use and/or possession of controlled substances or alcohol.
6. **Hazardous Materials Compliance** – this section deals with a review on company hazardous material operations to include proper placarding, packaging, shipping papers, etc.

7. **Driver Fitness** – Is a review of the driver’s proper license and endorsements as well as verifying drivers have passed the required medical exam to operate a commercial vehicle.

## **Data Collection**

The goal of data collecting is to identify best practices for the implementation of an efficient and effective intrastate compliance investigation program. Written surveys were generated and sent to commercial vehicle enforcement agencies from Florida, Georgia, and North Carolina to glean best practices that may assist in the development of this program. Follow up interviews were also conducted with those that responded to the survey for more in depth information. (See Appendix A & Appendix B)

Additionally, personnel from the Department of Highway Safety were interviewed on the best way to identify intrastate commercial vehicles that have been involved in collisions. The collision information for South Carolina is stored on a program called “Reportbeam” and information was obtained for using the reporting feature of this program to identify the needed reports. The State Transport Police’s Motor Carrier Safety Assistance Program (MCSAP) Unit provided information concerning the Safetynet Program, which stores all inspections conducted by State Transport Police Personnel. This program is capable of running a variety of reports to obtain inspection information with wide parameters.

State Laws and Regulations were reviewed to ascertain sections that can be utilized to facilitate the compliance investigation process. The Federal Motor Carrier Safety Regulations were also studied to determine the applicability of the regulations to intrastate operations. There are current laws that have not previously been utilized that can be implemented and applied to

this process. Determining how to properly utilize these laws will be a key factor in the success of this program.

## **Data Analysis**

A common trend emerged from the surveys and interviews with commercial vehicle enforcement agencies from Florida, Georgia, and North Carolina. All agencies work closely with the Federal Motor Carrier Safety Administration (FMCSA) and have investigators that conduct compliance investigations that are assigned by the FMCSA. The vast majority of these investigations are conducted on interstate carriers with an occasional intrastate carrier investigation. The intrastate carriers identified by the FMCSA for investigations commonly have an USDOT Number. The USDOT number is specific to each company and is utilized to monitor the carrier's safety performance to determine if an intervention is necessary. All interstate carriers are required to have USDOT Numbers while the requirement of an intrastate carrier to have an USDOT Number may vary from state to state. South Carolina does not currently enforce the requirement of an USDOT for intrastate carriers which can make the safety performance of intrastate carriers hard to track.

North Carolina's compliance investigation process is very similar to our process. However, North Carolina intrastate carriers are required to have a USDOT Number which enables their safety performance to be easily monitored through established federal programs. Parts 382 (Controlled Substance and Alcohol Use and Testing) and 383 (Commercial Driver's License Standards) of the Federal Motor Carrier Safety Regulations are applicable to intrastate operations and enforcement cases for violations of these sections can be issued. Penalties for

these violations are determined by the federal Case-Rite Program and will be funneled through the Federal Motor Carrier Safety Administration. North Carolina may also take enforcement action for violations for other sections of the FMCSRs through NC State Law Section (NCG 20-396) (See Appendix C). The enforcement action for violations of these sections would be in the form of a citation or a warrant issued to the company owner, which would require a mandatory court appearance. The fine amount for these violations would be set by and paid to the NC court system.

Georgia's compliance investigation process is also very similar to South Carolina's process. Georgia also requires intrastate carriers to have a USDOT Number, which enables their safety performance to be easily monitored through established federal programs. Parts 382 (Controlled Substance and Alcohol Use and Testing) and 383 (Commercial Driver's License Standards) of the Federal Motor Carrier Safety Regulations are applicable to intrastate operations and enforcement cases for violations of these sections can be issued. Penalties for these violations are determined by the federal Case-Rite Program and will be funneled through the Federal Motor Carrier Safety Administration. Georgia will conduct investigations on intrastate carriers identified through crash information if serious violations are discovered at the time of the collision. Georgia indicated they may also initiate intrastate investigations due to verified safety complaints against companies.

Like the other states surveyed Florida works closely with the Federal Motor Carrier Safety Administration and conducts compliance investigations at their request. Florida also requires their intrastate carriers to obtain USDOT Numbers. One aspect of Florida's program that is different from the other states surveyed is that their state law allows them to take enforcement action and access fines through their state law instead of funneling enforcement and fines

through the FMCSA. Florida State Statute 316.3025(e) provides specific guidance regarding enforcement action during compliance reviews establishing a \$5,000 dollar fine for violations discovered during compliance investigations and a fine up to \$25,000 if violations are discovered during a subsequent investigation. Additionally, Florida State Statute 316.3026(1) provides authority for state officials to declare companies out of service for safety violations or for failing to remit fines pursuant to compliance investigations on interstate or intrastate carriers. The other states surveyed along with South Carolina rely on the FMCSA to place carriers out of service for failure to pay fines and for serious safety infractions discovered through compliance investigations. (See Appendix D)

The information provided by our neighboring states produced some very useful information about the issues we have in common and some different procedures for dealing with compliance investigations involving intrastate carriers. The glaring difference between South Carolina and our neighboring states is the requirement for intrastate motor carriers to obtain a USDOT Number. The USDOT Number is the primary tool for tracking the safety performance motor carriers and determining which carriers require some type of intervention. South Carolina does not currently enforce the requirement for the intrastate USDOT Number.

The states surveyed shared procedures they may use through the intrastate compliance investigation process that could be useful in the development of this project. North Carolina's use of summons or warrants for violations of sections that are not applicable to intrastate carriers through the Federal Motor Carriers Safety Regulations could prove very useful. Florida's state statutes dealing with compliance investigations are ideal but are impractical for this project because South Carolina Statutes are not as comprehensive regarding compliance investigations.



The South Carolina Department of Public Safety houses all the collision data for the state of South Carolina on program called “Reportbeam”. Reportbeam has a report feature and can run a number of informative reports with the proper knowledge of the program. Officials from the Department of Public Safety have been consulted on how to create a report that can efficiently identify intrastate carriers that have been involved in serious collisions. This report can be tailored to capture a variety of information including the severity of injuries or even fatal collisions. This report can be downloaded into an excel format which allows the information to be easily sorted to identify carriers with multiple collisions.

According the Federal Motor Carrier Safety Administrations Analysis & Information Website, State Transport Police Officers conducted 37,558 roadside inspections in 2017 (See Appendix H). This inspection data is transferred daily to the FMCSA but it is also stored in-house on the Safetynet Program. The Safetynet Program has a query feature, which can provide a variety of reports based on the parameters that are set. The State Transport Police MCSAP Unit is very proficient with the Safetynet Program and has provided a report that can quickly identify inspections that have been conducted on intrastate companies including violation data.

There are several state laws and regulations that are important in the development of an intrastate compliance program. Though several laws and regulations were reviewed, the following sections proved most relevant to the development of this program.

- SC State Regulation (38-424) establishes that all motor carrier vehicles operating in interstate and intrastate commerce are required to comply with the Federal Motor Carrier Safety Regulations except where they conflict with SC State Law.

- SC State Law (56-5-4240) provides exemptions from the Federal Motor Carrier Safety Regulations for carriers that operate vehicles less than 26,001 pounds, are not used to transport 16 or more passengers including the driver, or not used to transport hazardous materials in an amount that would require placarding according to the Federal Hazardous Material Regulations (Title 49). Generally, if the vehicles being operated does not require the driver to have a commercial driver's license the federal regulations would not apply to an intrastate company.
- SC State Regulation (38-427) requires motor carriers to provide officials with access to their files, facilities and vehicles to ensure compliance with the required regulations.
- SC State Law Section 56-5-4160 (J) also requires Motor Carrier Officials to provide access to records and facilities for State Transport Personnel to inspect. This section also establishes a fine of \$1,000.00 per day for motor carriers that fail to comply with this requirement. This fine has never been utilized so proper procedures and approvals will be required to implement this process.
- SC State Regulation (38-426) authorizes carriers to be placed out of service for repeated failures to utilize drivers and vehicles that comply with the Federal Motor Carrier Safety Regulations and Hazardous Material Regulations. Although the Federal Motor Carrier Safety Administration routinely places interstate carriers out of service in the interest of public safety, this is not a function routinely carried out independently by the State Transport Police.
  - (See Appendix (E) SC Code of Regulations)
  - (See Appendix (F) SC Code of Laws)

Many of the federal regulations are intended for vehicles that operate in interstate commerce; however, there are regulations that apply to both interstate and intrastate operations. Specifically, regulations governing commercial driver's licenses, drug/alcohol testing, and the transportation of hazardous materials are applicable in intrastate commerce. These regulations and laws each contain useful information that will be beneficial in the intrastate compliance investigation process. For violations of these sections, State Transport Police Compliance Investigators can conduct enforcement cases as they do for interstate carriers and any fines would be funneled through the Federal Motor Carrier Safety Administration.

### **Implementation Plan**

The following are the action items needed to implement this program:

- a) Initiate a One Year Pilot Program to evaluate the effectiveness of this process.
- b) The Captain responsible for the Motor Carrier Compliance Unit will assign a program manager for implementing and monitoring the program to a member of the Motor Carrier Compliance Unit. This responsibility will be delegated to the first line supervisor of the unit unless exigent circumstances exist.
- c) Ensure the appointed program manager has access to the required programs and reports for routine monitoring of intrastate carriers.
- d) Educate the program manager on the best practices for gleaning pertinent information from the Safetynet and Reportbeam Programs to efficiently identify carriers that display unsafe behaviors.

- e) Implement a procedure to report the findings and recommendations to the Colonel of the State Transport Police on a monthly basis to obtain approval for proceeding with the recommended investigations.
- f) Implement a procedure for notifying the Federal Motor Carrier Safety Administration of the intrastate carriers that have been identified for a compliance investigation for their tracking purposes.
- g) South Carolina Code of Law Section 56-5-4160 establishes a \$1,000.00 fine for each day a carrier refuses to allow State Transport Police Official to inspect their records, documents, facilities, etc. The Colonel of the State Transport Police has given approval to use this enforcement tool with the prerequisite that we provide the company with notification of this requirement and possible penalties.
- h) In order to provide carriers with notification regarding the requirements of 56-5-4160 a “Demand for Records Form Letter” will be developed which will include the language directly from this section of law to provide clarity regarding the penalty for failing to comply with the request for records. This letter would only be used to deal with carriers that are uncooperative with the investigation efforts of State Transport Police Officials.
- i) If a carrier refuses to comply after receipt of the “Demand for Records Letter”, the enforcement action would be carried out in the form of a uniform size, weight, and safety citation. Since some of the compliance investigators are civilian employees, there will be a need to identify officers that are certified to issue this citation that can assist with carrying out this enforcement action.
- j) Develop an ad hoc committee of State Transport Police Command Staff Personnel to explore the pros and cons of additional enforcement action for intrastate carriers that

display serious safety violations other than commercial driver's license, drug and alcohol testing, and hazardous materials violations which are subject to the Federal Motor Carrier Safety Regulations and current enforcement procedures. Additionally, this committee would explore section 38-426 of the SC State Code of Regulations to determine the possibility of placing intrastate carriers' out-of-service for repeated failure to meet minimum safety standards.

### **Evaluation Method**

The program manager will be responsible for reporting the successes and failures of this program to the responsible State Transport Police Captain on a quarterly basis. This report will include the total number of intrastate carriers identified, investigated, and findings of the investigations to include violations and enforcement actions. At the completion of the one year trial period a comprehensive report will be made to the Colonel of the State Transport Police and the command staff to determine the overall effectiveness of this program.

### **Summary and Recommendations**

The current system for identifying carriers for intervention does not efficiently detect intrastate carriers that are displaying unsafe behaviors. South Carolina does not take enforcement action against intrastate carriers that do not obtain and display a USDOT Number. The USDOT number is the main mechanism utilized by established federal monitoring systems to identify those carriers displaying unsatisfactory safety management programs. This is a unique issue when compared with neighboring states that were surveyed since they all indicated the USDOT Number is required for carriers operating in intrastate commerce in their respective states. It is the obligation of the State Transport Police to find innovative solutions to challenging issues in

an effort to ensure all commercial carriers operating in the state do so in compliance with all applicable laws and regulations. This process is another tool to help us achieve our ultimate goal of protecting the motoring public by preventing collisions and fatalities on the roadways in South Carolina.

This program can be implemented fairly quickly through the approval of the Colonel of the State Transport Police. The designation of the program manager, supplying that individual with access to the required software, and education on the use of this software can be accomplished with relative ease. Enforcement of Parts 382 (Controlled Substance and Alcohol Use and Testing), 383 (Commercial Driver's License Standards) and the Hazardous Material Regulations can be conducted through the established method of funneling enforcement actions through the Federal Motor Carrier Safety Administration. Additionally, penalties for failing to provide required documents to State Transport Police Officials is clearly established in State Law 56-5-4160 and the Colonel of the State Transport Police has provided approval to begin utilizing this section of law as needed with the stipulation that the company is notified of this requirement and possible penalties for failure to comply. Using these established procedures, this program can be initiated in the near future to positively impact highway safety in South Carolina.

As with any new program, there will be unforeseen challenges that may be discovered and will need to be addressed to refine this process. One of the known challenges that will be addressed are the enforcement of regulations that are applicable to intrastate carriers through SC State Regulation (38-424) that otherwise would not be applicable through the federal regulations. Although there is not currently a mechanism for an enforcement penalty designed for violations of these sections, violations could be cited on the investigation report and communicated with the company. Through this process the carriers will be educated about the regulations and

hopefully display voluntary compliance which will contribute to the ultimate goal of highway safety. Additionally, procedures for enforcement of SC State Regulation (38-426) regarding placing carriers out of service for repeated failures to utilize drivers and vehicles that comply with the Federal Motor Carrier Safety Regulations will need to be explored. This action would have been used rarely for addressing the most uncompliant carriers that have serious violations other than Parts 382 (Controlled Substance and Alcohol Use and Testing), 383 (Commercial Driver's License Standards) and the Hazardous Material Regulations which can be handled through the Federal Motor Carrier Safety Administration's out of service procedures.

It is clear through researching collision and inspection data that there are many carriers operating in intrastate commerce that are not currently being monitored for safety compliance through the established method of a USDOT Number. This process will provide a mechanism to track the safety behaviors of these companies in order to initiate compliance investigations on those that display noncompliance. The State Transport Police is the only police agency in the state that is tasked with ensuring commercial vehicles, drivers, and companies comply with federal regulations and state laws. As such, the State Transport Police are obligated to be vigilant regarding exploration of innovative solutions unique to the commercial transportation industry.

## **Appendix A**

### **Questionnaire to Commercial Vehicle Enforcement Agencies from Neighboring States**

1. Does your state conduct compliance investigations on intrastate motor carriers?
2. If so are fines assessed for violations? Are the fines funneled through the FMCSA or does the State have their own penalties?
3. Are fine amounts determined through case rite or does the state have a separate fine structure?
4. Are penalties collected through a citation or other civil process?
5. Does your state identify intrastate carriers for investigations through collision or safety inspection data?
6. Are INTRASTATE carriers required to have a USDOT Number?
7. Are the Intrastate investigations assigned from FMCSA?



8. Apart from the Federal Safety Measurement System and FMCSA do you all utilize state crash data on a regular basis to identify intrastate carriers for investigations independently from FMCSA?

## **Appendix B**

### **Questionnaire Data Source**

- **Florida Highway Patrol Office of Commercial Vehicle Enforcement**
  - Lieutenant Charles Smalley
- **Georgia Dept. of Public Safety Motor Carrier Compliance Division**
  - Lieutenant Brent Moore
- **North Carolina Highway Patrol Motor Carrier Enforcement Administration Section**
  - Inspector Mark R. Herring

## **Appendix C**

### **North Carolina Code of Law 20-396**

#### **§ 20-396. Unlawful motor carrier operations.**

(a) Any person, whether carrier, shipper, consignee, or any officer, employee, agent, or representative thereof, who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully seek to evade or defeat regulations as in this Article provided for motor carriers, shall be deemed guilty of a Class 3 misdemeanor and only punished by a fine of not more than five hundred dollars (\$500.00) for the first offense and not more than two thousand dollars (\$2,000) for any subsequent offense.

(b) Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Division or Department of Public Safety as required by this Article, or other applicable law, or to make specific and full, true, and correct answer to any question within 30 days from the time it is lawfully required by the Division or Department of Public Safety so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Division or Department of Public Safety or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make true and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this Article to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Division or Department of Public Safety with respect thereto, shall be deemed guilty of a Class 3 misdemeanor and be punished for each offense only by a fine of not more than five thousand dollars (\$5,000). As used in this subsection the words "kept" and "keep" shall be construed to mean made, prepared or compiled as well as retained. (1985, c. 454, s. 1; 1993, c. 539, s. 395; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 31.5(b); 2002-190, s. 13; 2011-145, s. 19.1(g).)

## **Appendix D**

### **Florida Code of Law (316.3025)**

#### **316.3025 Penalties**

(e) A civil penalty not to exceed \$5,000 in the aggregate may be assessed for violations found in the conduct of compliance reviews pursuant to s. 316.302(6). A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review. Motor carriers found to be operating without insurance required by s. 627.7415 may be enjoined as provided in s. 316.3026.

#### **316.3026 Unlawful operation of motor carriers.—**

(1) The Office of Commercial Vehicle Enforcement may issue out-of-service orders to motor carriers, as defined in s. 320.01, who, after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(6) or s.316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements in s.627.7415. Such out-of-service orders have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

## **Appendix E**

### **SC Code of Regulations**

#### **38-424 Safety Rules and Regulations.**

The rules and regulations adopted by the United States Department of Transportation relating to safety of operation and to equipment (49 CFR Parts 382, 383, 385, 387, and 390-399 and amendments thereto), and the rules and regulations adopted by the United States Department of Transportation relating to hazardous materials (49 CFR Parts 171-180 and amendments thereto) shall apply to all motor carrier vehicles engaged in interstate commerce and intrastate commerce over the highways within the State of South Carolina, whether common carriers, contract carriers, exempt carriers, or private carriers, except where these aforementioned rules and regulations may conflict with South Carolina Law, provided that any rule or regulation which fixes the minimum age of vehicle drivers at 21 years is hereby changed insofar as South Carolina intrastate carriers are concerned to establish a minimum age of 18 years for vehicle drivers.

#### **38-426 Failure to Meet Safety Standards.**

The repeated failure of a for-hire motor carrier to operate equipment or employ drivers who meet minimum safety standards as defined in 49 CFR parts 390-399 and 49 CFR parts 171-180.500, shall be just cause for the Department to revoke any Certificate of Compliance issued to such Motor Carrier.

The Department has authority to place violators out of service in the interest of Public Safety pursuant to 38-424.

#### **38-427 Inspection of Records, Vehicles and Equipment.**

Auditors, accountants, officers, examiners, and other agents of the Department shall, upon display of proper credentials after demand, be permitted by any motor carrier as defined in S.C. Code Ann. Section 58-23-1110 to examine and copy the books, records, accounts, bills of

lading, load sheets, manifests, correspondence, and other records of such motor carrier relating to the transportation of property or passengers and to examine the vehicles, loads thereon, terminals, buildings, and other equipment and facilities used by such motor carrier in such transportation business; and all such motor carriers shall instruct their drivers, agents, and employees in charge of such records, equipment and facilities to cooperate in the event of such examination as necessary to insure compliance with R.38-424.

HISTORY: Added by State Register Volume 22, Issue No. 3, eff March 27, 1998

## **Appendix F**

### **SC Code of Law**

**SECTION 56-5-4160.** Weighing vehicles and loads; unloading excess weight; penalties.

(J) Motor carriers, officers, or agents in charge of them, who fail or refuse to permit authorized State Transport Police representatives or employees to examine and inspect their books, records, accounts, and documents, or their plants, property, or facilities, as provided by law and with reasonable notice, are guilty of a misdemeanor. Each day of such failure or refusal constitutes a separate offense and each offense is punishable by a fine of one thousand dollars.

**SECTION 56-5-4240.** Commercial motor vehicle and its driver.

(A) Except as otherwise provided by law or through regulations promulgated by the Department of Public Safety, a commercial motor vehicle (CMV) and its driver operating in intrastate commerce with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) equal to or exceeding 26,001 pounds must meet the requirements of the Federal Motor Carrier Safety Regulations, as enforced exclusively by the State Transport Police Division of the Department of Public Safety.

(B) CMVs operating below 26,001 pounds are exempt from the regulations cited in subsection (A).

(C) A CMV or its driver is not exempt from the regulations cited in subsection (A) regardless of weight, if the vehicle is:

- (1) designed or used to transport sixteen or more passengers, including the driver; or
- (2) used in the transportation of hazardous materials and is required to be placarded pursuant to 49 C. F. R. part 172, subpart F.

HISTORY: 2012 Act No. 180, Section 2, eff May 25, 2012.

## Appendix H

### Federal Motor Carrier Safety Administrations Analysis & Information Website

Analysis & Information Federal Motor Carrier Safety Administration	
South Carolina Roadside Inspection Activity	
Data Source: FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of 12/29/2017, including current year-to-date information for CY 2017.	
CY 2017	
Activity Summary	State
Number of Inspections	37346
With No Violations	8513
With Violations	28833
With OOS Violations	8734
Number of Violations	75025
OOS Violations	13971
Other Violations	61054

## **References**

### **Title 49 Code of Federal Regulations**

Part 382 – CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

PART 383 — COMMERCIAL DRIVER'S LICENSE STANDARDS;

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

### **SC Code of Laws**

Title 56 – Motor Vehicles

### **SC Code of Regulations**

Chapter 38 – Department of Public Safety

